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REMARKS

Favorable reconsideration of this application is requested in view of the above amendments and the following remarks. Claims 1 and 6-8 are pending. Claims 2-5 and 9-13 have been canceled without prejudice or disclaimer. Claims 14 and 15 have been newly added. The limitations in claim 1 concerning the different materials for the reagent pads and substrate and the relative coefficients of friction are supported at page 3 of the specification. The numbers of the reagent and balance pads are supported at page 8 of the specification. The marker in new claim 14 is supported at page 7 of the specification. Claim 15 is directed to the combination of sample analysis tool and analyzer, an example of which is illustrated in Fig. 5 and discussed on pages 2-3 and 10-12 of the specification.

Applicants note that the filing date for this application should be January 5, 2006, rather than January 6, 2006. See the February 12, 2008 decision on petition. Correction of the PTO records is requested.

Applicants appreciate the courtesy of the Examiner and his supervisor in discussing this application with their representatives on October 20, 2009. Distinctions between the present invention and the references were discussed, and are reflected in the remarks that follow. No agreement was reached during the interview.

The objection to the drawings is rendered moot by the removal of the limitation allegedly not shown in the drawings from the pending claim set. Applicants are not conceding an absence of support for the limitation, and reserve the right to present the limitation again.

The rejection of claims 10-12 under 35 USC 112, first paragraph is rendered moot by the cancellation of the claims. Applicants are not conceding the correctness of the rejection.

Claims 1-9 are rejected as anticipated by Lee. Applicants respectfully traverse this rejection. The assay device of Lee includes a sample loading portion 123 at one end of the substrate, a determinant pad 300 for monitoring sample integrity (col. 6, line 17), and a test zone 112 between the two. This does not suggest the provision of reagent pad(s) at a first end portion of the substrate and concentrated at the end portion, with a friction coefficient of the portion including the reagent pad(s) being greater than that where the reagent pad(s) are not present, with balance pad(s) being present at the second end of the substrate to adjust the friction balance of the surface of the analysis tool as required by claim 1. This provides the tool with the

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advantageous property of avoiding clogging being supplied by a test piece feeder. As Lee is in no way concerned with the problems associated with test pieces suitable for automatic feeders, there is no basis in the present record for modifying the Lee device to include the features and characteristics required by claim 1. Therefore, the invention of claim 1 is neither disclosed nor even suggested by Lee and the rejection should be withdrawn.

Claims 1-8 and 10-13 are rejected as anticipated by Betts. Applicants respectfully traverse this rejection. The test strips illustrated in Figs. 1-3 are discussed at col. 14 of the reference, explains that test squares for protein are provided near one end, with test strips for glucose spaced about 2mm therefrom, with blank squares being spaced about 2mm from the glucose test squares. Even if the Betts strip can be considered to have the reagent pads provided at one end of the strip, the illustrated blank squares are not provided at the second end of the strip as required for the balance pad(s) of claim 1. In contrast to claim 1's requirement of locating balancing pads at the second end of the substrate, Betts associates the blank squares with the reagent squares. Nor is there any reasonable basis to assume that the blank squares would be positioned to adjust the friction balance of the surface of the strip so that the strip would have the property of avoiding clogging when supplied by a test piece feeder. Therefore, the invention of claim 1 is neither disclosed nor suggested by Betts, and the rejection should be withdrawn.

Claim 15 is directed to the combination of analysis tool and analyzer in which the analysis tool is moved in a direction orthogonal to the longitudinal direction of the tool. As Lee does not disclose the use of any automated analyzer, claim 15 is not suggested by Lee. Even if Fig. 3 of Betts suggests some application of the test strip to an analyzing machine, Fig. 3 contemplates longitudinal movement of the strip, and does not suggest the combination of claim 15.


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In view of the above, Applicants request reconsideration of the application in the form of a Notice of Allowance.

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